

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BIRMINGHAM-JEFFERSON COUNTY)
TRANSIT AUTHORITY AND)
AMALGAMATED TRANSIT UNION)
LOCAL 725 EMPLOYEES' CONTRI-) NO. 3:09-0304
TORY RETIREMENT PLAN, et al.) JUDGE CAMPBELL
v.)
DAVID J. BOATWRIGHT)

ORDER

Pending before the Court, among other things, are Plaintiffs' Motion for Order of Voluntary Dismissal (Docket No. 159), Defendant's Motion to Strike Motion for Summary Judgment (Docket No. 165), and Plaintiffs' Motion for Reconsideration (Docket No. 173).


In response to Plaintiffs' Motion for Order of Voluntary Dismissal, Defendant asserts that it would be a "grave injustice" to dismiss only parts of Plaintiffs' Complaint when it should be dismissed entirely. Docket No. 175, p. 6. Yet Defendant has not shown that dismissal of these claims would result in prejudice to the presentation of his defense to the other claims against him or the prosecution of his counterclaim. Accordingly, Plaintiffs' Motion for Order of Voluntary Dismissal (Docket No. 159) is GRANTED, and Plaintiffs' claims arising prior to July 2005 and Plaintiffs' claims based upon alleged excessive billing are DISMISSED with prejudice.

Defendant's Motion to Strike Motion for Summary Judgment (Docket No. 165) is DENIED. Both parties have failed to comply with the Local Rules of Court in filing their Statements of Undisputed Facts. Local Rule 56.01(b) requires that each fact be set forth in a separate, numbered

paragraph and supported by specific citation to the record. In addition, the Local Rules require that after each paragraph, the word “response” shall be inserted and a blank space shall be provided reasonably calculated to enable the non-moving party to respond to the assertion that the fact is undisputed. Local Rule 56.01(b). Likewise, responses to the statement of facts must be supported by specific citations to the record. Local Rule 56.01(c). The parties’ statements of fact which do not comply with these Local Rules will not be considered for purposes of the pending Motions for Summary Judgment.

Finally, Plaintiffs’ Motion for Reconsideration (Docket No. 173) is DENIED. The Court’s prior ruling on Defendant’s Motion in Limine applies solely for purposes of summary judgment. At the time of trial, appropriate Motions in Limine will need to be filed concerning the evidence for trial.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE